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WEINGARTEN, SCHURGIN, GAGNEBIN & LEOVICI LLP  
TEN POST OFFICE SQUARE  
BOSTON, MA 02109

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**MAY 30 2008**

**OFFICE OF PETITIONS**

In re Application of DellaMorte, Sr. et al. :  
Application No. 10/780,501 :  
Filing Date: February 17, 2004 :  
Attorney Docket No. DLGHY-026XX :

Decision on Petition

This is a decision on the petition under 37 CFR 1.137(b), filed February 12, 2008, to revive the above-identified application.

The petition is **granted**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed May 2, 2007, which set a shortened statutory period for reply of three (3) months. An extension of time under the provisions of 37 CFR 1.136(a) was not obtained. Accordingly, the above-identified application became abandoned on August 3, 2007. A Notice of Abandonment was mailed on December 12, 2007.

The instant petition requests revival of the application.

Petitioner has submitted the required petition fee of \$1,540. Petitioner has submitted a reply to the non-final Office action. Petitioner has stated the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Therefore, the petition is granted and the application is revived.

The petition was filed by the former attorneys of record. The petition indicated an extension of time fee of \$1,050 should be charged to deposit account no. 03-1237. The fee was charged to the deposit account on February 13, 2008. Payment for an extension of time is unnecessary when reviving an application. Therefore, the sum of \$1,050 has been credited back to deposit account no. 03-1237.

Technology Center Art Unit 2614 will be informed of the instant decision and the application will be further examined in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

A handwritten signature in black ink, appearing to read "Charles Steven Brantley". The signature is fluid and cursive, with the first name "Charles" being more prominent.

Charles Steven Brantley  
Senior Petitions Attorney  
Office of Petitions